



August 4, 2005

By Electronic Filing

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

RE: *Ex Parte Presentation*
CC Dockets No. 02-33, 95-20 and 98-10; WC Docket No. 03-251

Dear Ms. Dortch:

On August 3, 2005, the undersigned sent the attached letter and comments filed by T-Mobile in WC Docket No. 03-251 via electronic mail to Michelle Carey, Legal Advisor to Chairman Kevin J. Martin and Thomas Navin, Chief, Wireline Competition Bureau.

In the attached letter, T-Mobile discussed the Commission's anticipated decision to reclassify DSL service provided by incumbent local exchange carriers ("ILECs") as an information service following the Supreme Court's decision in *Brand X*.¹ T-Mobile urged that any such decision should also address the concerns it raised in its comments in WC Docket No. 03-251. Consistent with those comments, T-Mobile urged the Commission to require ILECs to offer retail consumers cost-based, stand-alone DSL ("naked DSL") on a non-discriminatory basis.

Pursuant to Section 1.1206(b)(2) of the Commission's rules, a copy of this letter, the letter to Ms. Carey and Mr. Navin and T-Mobile's comments in WC Docket No. 03-251 are being filed for inclusion in the above-referenced dockets. Please direct any questions regarding this filing to the undersigned.

Sincerely,

/s/ James W. Hedlund

James W. Hedlund

cc: Michelle Carey
Thomas Navin

¹ See, "Chairman Kevin J. Martin's Announcement Regarding The Supreme Court's Decision In *Brand X*," June 27, 2005; *Nat'l Cable & Telecomm. Ass'n v. Brand X Internet Services*, Nos. 04-277 and 04-281, slip op. at 31 (June 27, 2005) ("*Brand X*").